

The regular organizational meeting of the Marilla Town Board was held on Thursday, January 8, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given. Supervisor Foss gave a welcoming message:

Welcome to the first meeting of 2004 for the Town of Marilla. We have an exciting year ahead with celebrating our Sesqui-centennial. The Town came through in good shape financially in 2003 and we should not have any problems this year even with anticipated increases in retirement and health care.

The sesquicentennial will be our main focus for 2004 and most of the plans are already in place. The dates will be from July 25th thru August 1st. I have already set dates for a meeting of the executive committee on February 3rd and general committee meeting of February 17th. We will send letters to all members of those committees so please mark your calendars as these will be important meetings to get things started.

The Town plans on re-doing the electrical service in the Town Hall and that will be done this Spring when better weather arrives. The Town will also be putting in a new phone system sometime this month. The old system is outdated and parts are no longer available to keep the phones serviceable.

With the Memorial Pavilion in place plans are under way to have a concert series on Sunday afternoons. At this point we have 6 concerts booked of different variety and it is possible we may be able to even do more. The Pavilion may be booked for events that meet Town Board approval by reserving with the Town Clerk's Office.

The Town is currently being cabled up for internet service using the County service line. From that Dawn Flanigan our Town Clerk will be starting a web page for the Town of Marilla. For those who like to use the internet a lot of Town information will be posted on the web page and I should be able to give you more information in the near future.

At this time I wish to welcome back all the re-elected officials and the two newly elected officials; Warren Handley, Councilman and John Prell, Assessor. Justice Thomas Labin at this time will perform the official swearing in Ceremony.

Communications

Communications were received and read from :

- a. The Planning Board requesting a speed reduction on Eldridge Road from 55 mph to 45 mph due to the concerns from residents of the anticipated traffic from the future golf course.
- b. Resident Gail Berger suggesting to the Town that they make all the Election Districts at the Community Center for easier handicapped accessibility rather than 2 districts at the Town Hall and 4 districts at the Community Center.
- c. Association of Towns regarding the Training School & Annual Meeting to be held this year in New York City on February 15-18 2004.

Committee Reports

Highway Superintendent Dave Pierce reported that we will be getting a new sander at the end of the month and his department is in good shape for the winter.

Councilman Spanitz reported that as the Town's Affirmative Action Officer she has two pamphlets for any interested parties: You Can Fight Discrimination and Choosing Good Tenants.

Councilman Specht reported that the County will be hooking up the T-1 line next Wednesday morning at 9:30 am.

Supervisor Foss stated that the Town Board will be discussing the suggestion of changing the location of the Election Districts to the Community Center but it is too late to make the changes for this year they will take a look at it next fall.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Public Hearing and Regular Board Meeting held on 12/11/03 and the Settlement Meeting minutes of 12/30/03. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the extended hours requested by Allied Sportsmen of WNY for 2004. Motion Carried.

New Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Earl Dabb as Chairman to the Board of Assessors and Laura Nuttle as Assessor Clerk. Motion carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Peter Baschmann to the Assessment Review Board for a 5 year term to expire on 12/31/2008. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to appoint Neill & Strong as the Town Attorney for 2004. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint John Fronczek as Building Inspector and CEO for 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Scott Rider as Deputy Building Inspector and CEO for 2004. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Thomas Whiting as Town Constable for the Town for 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Diane Fronczek and Mary Beth Wolf as Members to the Conservation Advisory Board to a two-year term to expire on December 31, 2005. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Diane Fronczek as Clerk to the Conservation Advisory Board for the year 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Arlene Germony as Court Clerk for 2004 and pay according to the adopted clerk's pay scale. Motion Carried.

Supervisor Foss appointed Councilman Fred Specht as Deputy Supervisor for 2004.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Sally Bender and Laura Nuttle as Deputy Town Clerks and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Donald Roesch to the position of Dog Control Officer for the year 2004. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Greg Pruski to the position of Assistant Dog Control Officer for the year 2004. Motion Carried.

- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Paul White to the position of EMW Representative for the year 2004. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2004 not to exceed the budgeted amount of \$6,773.00. Motion Carried.
- Supervisor Foss reappointed Hubert Kutter as Town Historian and Jeff Lewinski as Deputy Town Historian.
- Motion: Councilman Handley moved, seconded by Councilman Specht to re-appoint Dan Handy as Member to the Planning Board to a 7-year term to expire December 31, 2010. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Paul Domanowski as a member to the Planning Board to fill the un-expired term of Warren Handley to expire 12/31/2005. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Deborah Zimmerman as Chairman to the Planning Board for the year 2004. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Paulette Schloss as Planning Board Clerk for the year 2004 and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2004 at a rate of pay of \$3,807.00. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Dawn Flanigan as Registrar of Vital Records. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2004 and receive salary according to the budgeted amount. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint David Pierce as Superintendent of the Park and Sanitation Department for the year 2004. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Barbara Schilling as Clerk to the Highway Superintendent and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Neill & Strong as Town Prosecutor for 2004. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Carla Miley as Bookkeeper/Secretary to the Supervisor and pay according to the adopted clerk's pay scale. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2004. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to re-appoint Stanley Travis as a Member to the Zoning Board of Appeals to a five year Term to expire December 31, 2008. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Stanley Travis as Chairman to the Zoning Board of Appeals for 2004 and

Paulette Schloss as Clerk to the Zoning Board of Appeals for 2004 and pay according to the adopted clerk's pay scale. Motion Carried.

- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to designate Alden State Bank, J D Powers, CLAS and Standard Security Life Insurance as depositories and Munistat as fiscal advisor for the Town of Marilla Funds for the Supervisor and HSBC and M&T banks for the Town Justices and to designate Fleet Bank for the Town Clerk's Office for the year 2004. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Gertz to establish a petty cash fund in the amount of \$400.00 for the Town Clerk's combined Office. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the Highway and Sanitation and General Fund Employees Work Policy for the year 2004 available to full time employees as negotiated by the Town Board as follows:

Town Of Marilla
Highway, Sanitation And General Fund
Full-Time Employee's Work Agreement - 2004

The Town Board has agreed to pay the following salaries to the Town of Marilla Employees:

Laborers for the Marilla Highway and Sanitation	
Departments shall receive -	\$10.32 per hour
Motor Equipment Operators shall receive – Starting Rate	\$13.56 per hour
After 1 year	\$14.44 per hour
After 2 years	\$15.92 per hour
Mechanics shall receive - Starting Rate	\$14.25 per hour.
After 1 year	\$16.19 per hour.
After 2 years	\$18.13 per hour.
Maintenance Employees for the Sanitation,	
Highway and General Fund shall receive – Starting Rate	\$11.95 per hour
After 1 year	\$12.74 per hour
After 2 years	\$13.56 per hour

Employees moving up from Sanitation to Highway start at second year rate.

In addition, full-time hourly employees of the Highway, Sanitation and General Fund Departments will receive the following benefits for 2004:

1. Eleven (11) paid holidays to include:

January 1	New Years Day
January 19	Martin Luther King Day
February 16	President's Day
April 9	Good Friday
May 31	Memorial Day
July 4	Independence Day
September 6	Labor Day
October 11	Columbus Day
November 11	Veteran's Day
November 25	Thanksgiving Day
December 25	Christmas Day

2. Vacation - Five (5) days, (one) (1) day being eight (8) hours) for the first year of town employment, after six (6) months. One (1) additional day for each year thereafter until a maximum of twenty (20) days is reached. A maximum of ten (10) days may be carried over to the next year without prior approval. Vacation scheduling will be approved by the Highway Superintendent or the Sanitation Superintendent. Two (2) employees from the same department may not take the same week or other critical weeks as designated by the Highway or Sanitation Superintendent. No vacations shall be allowed between November 1 and April 15 except in an emergency. (Also, during this period

Employees are required to be available for snowplowing unless prior approval is given by the Highway Superintendent.) Employees will be paid for unused vacation time remaining at the end of November in a December paycheck of 2004; provided that said employee has at least ten (10) days of unused vacation time as of the first paycheck of December of 2004.

- 3. Vacation Time – Forty (40) days notice must be given in writing with dates specified prior to two (2) or more consecutive days off.
- 4. Personal Leave - Five (5) days per year after one (1) year of employment.
- 5. Sick days - Five (5) days per year. Thirty (30) sick days may be accumulated and will be paid upon retirement at a rate of one-half (1/2) of the employee's pay at retirement based upon one (1) work day (where one (1) work day equals eight (8) hours).

Employees employed by the Town of Marilla prior to January 1, 2001 and who have accumulated sick days under previous Work Agreements with the Town of Marilla are entitled to those previously accumulated sick days, as designated in the Work Agreement(s) in effect during the period of accumulation, but are not entitled to continue the accumulation commenced under previous Work Agreements. Previously accumulated sick days are not to be counted in the accumulation of sick days under the instant Work Agreement.

In the event that future Work Agreements discontinue the policy of accumulating sick days, employees are entitled to receive, as outlined by this Work Agreement, all sick days under this Work Agreement.

- 6. Highway Superintendent and Sanitation Superintendent may require a doctor's certificate for three (3) consecutive sick days.
- 7. NYS Disability Insurance after a period of seven (7) consecutive days. The Town will pay employee his or her normal wage for the work week missed during the waiting period if, and only if employee files disability claim beginning the first day of his or her disability.
- 8. Personal Safety Equipment - \$ 400.00 annually.
- 9. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.

10. Full Community Blue - Group Number 315425
Motion Carried.

Motion:

Councilman Specht moved, seconded by Councilman Gertz to adopt the pay scale for employees with one, two and three year service to the town with one grade for each job classification. Pay scale as follows:			
	1 st Year	2 nd Year	3 rd Year
Clerk of Boards	\$ 9.69	\$ 10.79	\$ 11.77
	1 st Year	2 nd Year	3 rd Year
Clerk Regular	\$ 10.23	\$ 11.32	\$ 12.31

Motion Carried.

Motion:

Councilman Handley moved, seconded by Councilman Gertz to adopt the following Resolution: RESOLVED, that the Town Board of the Town of Marilla does hereby fix the salaries of the officers and employees for the year 2004 and that they be paid as follows:	
Supervisor	\$ 25,297.00
Councilman (4)	7,296.00
Chairman, Board of Assessors	9,626.00
Member, Board of Assessors	8,505.00
Town Clerk	34,529.00
Highway Superintendent	40,932.00
Sanitation Superintendent	6,005.00
Park Superintendent	1,577.00

Town Justice	10,707.00
Building Inspector	10,643.00
Deputy Building Inspector	5,246.00
Senior Citizen Recreation Attendant	1,286.00
Town Historian	1,236.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to pay Assessment Review Members per day and to receive the same rate of pay per day for required schooling, pay scale as follows: \$70.00 for the Chairman and \$ 56.00 for members. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to pay the Dog Control Officer at the rate of Maintenance employees as per the Towns work agreement of 2004 of \$13.56 per hour for hours worked as needed and to include taking a Census of dogs doing one-third of the Town each year. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to pay Attorney for the Town \$115 per hour for 2004. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Southeast Community Work Center, now known as (Southeast Works) as Inside Caretaker at the Community Center for the year 2004 at a rate of \$70 per visit. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to pay the Constable for the Town \$19.60 per summons and pay for court time at adopted clerk's rate of pay. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to pay Election Inspectors \$7.54 per hour (½ hour before polls open and ½ hour after polls close) and \$15.00 for election school (no mileage reimbursement). Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to pay laborers for the Town Park and Assessor's Office at a rate of \$10.31 per hour. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to pay Town Prosecutor Neill & Strong at a rate of \$115 per hour, to handle all non-traffic cases. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to set the rate of pay for the Zoning Board of Appeals, Planning Board and the Conservation Advisory Board as follows: Chairman \$35.00 per meeting and \$ 24.00 per meeting per member. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Highway Superintendent to purchase equipment, tools, etc. without prior approval of the Town Board in the amount of the budgetary provision and not to exceed the appropriated amount in the 2004 budget according to Town Law. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize the Supervisor to prepay utilities, postage, tipping fees, thruway tolls, charge cards, insurance, medical, ADP and other bills that do not exceed \$1000 to avoid late payment charges without prior approval of the Town Board to alleviate late charges for the year 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to establish a mileage allowance of \$.30 per mile for the Supervisor, Councilmen, Town Justices, Town Clerk, Assessors, Code Enforcement Officers, Dog Control Officers, Bookkeeper, Justice Clerk in the performance of their duties (including dog damage cases) for the year 2004 and to keep a log of mileage as used in order to be paid. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to adopt the following Resolution: RESOLVED that the Alden Advertiser and Elma Review (to be published in both the East Aurora Advertiser and Elma Review for the same price as solely the Elma Review) be named as the official newspapers for the Town for the year 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize the Supervisor to pay various organizational dues for the year 2004. Motion Carried.

Supervisor Foss appointed the following work committees:

Councilman Spanitz: Affirmative Action Officer, Library, Youth, Planning Board Liaison.

Councilman Specht: Deputy Supervisor, Technology, Historical Society.

Councilman Gertz: Audit of Claims, Disaster/Traffic & Safety, Park, and Fire Service Award.

Councilman Handley: Audit of claims, Liaison to the Conservation Advisory Board, Memorial Day & Veterans Day, PACE.

Supervisor Foss: HUD, Senior Ride, Insurance, NEST Board.

Motion: Councilman Specht moved, seconded by Councilman Gertz to designate the following polling places:
District 1 and 3 The Marilla Town Hall
Districts 2,4,5,6 The Community Center
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Jim Beats as election machine custodian for the year 2004 and pay a salary equal to his highway position for hours worked as needed. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to retain the services of Kotas and Kotas, Accountants at an annual cost of \$7,910 for general accounting and \$927 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts #2 & #4 for \$2,500. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to accept the calendar of dates and times of Town Board Meetings and Work Sessions for 2004. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to accept the Hourly Rate Schedule for Nussbaumer & Clarke, Inc. for services needed for Special Project reimbursements as Follows:
Principal Engineer/ Principal Surveyor \$114.00 per hour
Electrical Engineer \$ 64.00 per hour
Senior Project Engineer \$ 79.00 per hour
Transportation Engineer \$ 70.00 per hour
Engineer \$ 58.00 per hour
Licensed Surveyor \$ 76.00 per hour
Planner \$ 66.00 per hour
Environmental Technician \$ 40.00 per hour
Mileage \$.36 per mile
Other Expenses(Tolls, Copies, printing, ect.) at cost

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the consolidation of the Election Districts, from 6 down to 2 for the March 2nd, 2004 Presidential Primary. Motion Carried.

- Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize Supervisor to sign maintenance agreement with WNY Imaging Systems for the downstairs model #FP7722 for \$350.00. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Dave Wyzykowski as the Town's Youth Court Representative. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to set the date of the public hearing for Water District V for February 12th 2004 at 7:30 p.m. at the Marilla Town Hall. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to approve successful bid on new phone system at the Town Hall to Digitel Solutions, 136 Ellicott Creek Road, Buffalo, NY 14225 for a cost of \$6,646. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize Councilman Handley to attend Schooling for newly elected Town Officials in Rochester, New York. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize Town Assessors to attend Legislative sessions as deemed necessary. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Specht to set the date of the public hearing for the proposed Golf Course for February 12th 2004 at 7:40 p.m. at the Marilla Town Hall. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Town Clerk to request from the Department of Transportation to reduce the speed limit on Eldridge Road from Jamison Road and Stolle Road to 45 mph. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Handley to authorize the Code Enforcement Officers to attend a seminar in Niagara Falls. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Supervisor to sign contracts for professional services with Engineer, Attorney, Bond Council and Fiscal Advisor for Water District V. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that the revised map Plan & Report for Water District V is complete and they are currently working on the Special Use Permit for the Golf Course and a contact letter was sent out today.

Building Inspector John Fronczek submitted a written report with 4 building applications received with fees totaling \$405, 4 building permits issued with a total value of \$35,350, 9 inspections were made and 1 complaint was received for the month of December 2003. He also submitted an annual report for 2003, a copy of which will be filed in the Town Clerk's Office.

Town Attorney Nathan Neill stated that we are fortunate that the costs for Water District No.5 has come down, we may not be required to apply to Audit and Control which can be very time consuming.

Town Assessor Earl Dabb welcomed newly elected Assessor, John Prell to the office, and thanked fellow Assessor's, Kandace Wittmeyer and Assessor Clerk, Laura Nuttle for their continued support.

Past Planning Board Chairman Judy Gillman reported that the next meeting will be held on Thursday, January 15th at 7:30 pm at the Marilla Town Hall. The Planning Board minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Andy Farmer from the Marilla Fire Company stated that the Fire Company purchased new equipment with the FEMA Grant.

Town Historian Hubert Kutter thanked the Town Board for his re-appointment and re-appointing Jeff Lewinski as Deputy Historian. He commented that this year the Town will have lots of activities in July and August for the Sesqui-Centennial Celebration. Councilman Gertz, Jeff and myself are continuing to work on the History Book it should end up being around 100 pages.

Open Board Presentations

Councilman Handley wanted to thank the people for their support and the Marilla Fire Company for the invitation to the Firemen’s Installation Dinner, and for the tour by Fireman Bill Reuman.

Supervisor Foss wanted to wish everyone a happy and healthy New Year!

Building Inspector John Fronczek thanked the Town Board for his re-appointment.

Supervisor Foss wanted to let everyone know that his mother in-law Loretta Pierce was doing better and will hopefully be back in her usual seat at the Board Meeting.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 1-4	\$ 664.06
Highway Fund Claims, Vouchers 1-11	\$ 2,662.15
Special Districts	
Sanitation (SR), Vouchers 1-2	\$ 429.63
Special Lighting, Vouchers	\$.00
Special Fire	\$.00
Water District #2, Voucher 1	\$.00
Water District #3	\$.00
Water District #4	\$.00
Community Develop. PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk

_____ Supervisor

_____ Councilman

_____ Councilman

_____ Councilman

_____ Councilman